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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/426,567 10/22/99 BANKS

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WM01/1010

EXAMINER

HARPER, K

ART UNIT

PAPER NUMBER

2664

DATE MAILED:

10/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

| | | | |
|------------------------------|-------------------------------|-----------------------------|--|
| Office Action Summary | Application No. 09/426,567 | Applicant(s) BANKS ET AL | |
| | Examiner Kevin C. Harper | Art Unit 2664 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-9, 11-20, 22, 23, 26-30, 32-34, 37-43 and 46 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 10, 21, 24, 25, 31, 35, 36, 44 and 45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5, 8</u> . | 6) <input type="checkbox"/> Other: _____ |

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Drawings

1. The drawings are objected to because the following require descriptive wording:

Figure 1, items 140 and 142, one of 120-124, items 130-132 and one of items 134-138; Figure 2, items 140 and 200, one of items 120-124, items 130-132, and one of items 134-138; Figure 4, one of items 120-124, item 130, and one of items 134-138.

Correction is required.

Claim Objections

2. Claims 1, 27 and 33 are objected to because of the following informalities: "fibre" should be spelled --fiber--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made

in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 7-9, 11-20, 22, 23, 26-30, 32-34, 37-43 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Change et al. (US 5,600,644).

3. Regarding claims 1, 2, 7-9, 19-20, 22-23, 26-27, 30, 32-33, 37-38, 42-43 and 46, Chang discloses a method for logically organizing devices (Figure 3; abstract, lines 1-2) coupled to an ATM WAN. The method comprises accessing a stored definition of a first configuration including at least one zone (col. 6, line 62 through col. 7, line 2) and responsive to the definition of the first configuration (Figure 9, steps 915-923), restricting communications between the devices (Figure 4, steps 507 and 525; Figure 5, steps 557 and 561). However, Chang does not disclose that the ATM WAN uses fiber optics. One skilled in the art would recognize that ATM may be implemented on or carried over various types of physical media, including fiber. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to use fiber links in the ATM WAN of Chang as a matter of design choice.

4. Regarding claim 3 and 28, Chang discloses storing zone definitions in a memory (Figure 10, item 1007; col. 15, lines 31-34). However, Change does not disclose that the memory is a non-volatile storage medium. One skilled in the art would recognize that any appropriate type of memory device may be used to store data. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a non-volatile storage medium to store zone definitions in the invention of Chang as a matter of design choice. Further, Chang does not disclose reinstating a previous configuration after a power loss. One skilled in the art would recognize that a previous configuration is preferably used when a loss of power occurs in order to return to avoid any reconfiguration after power is restored. Therefore, it would have been obvious to one skilled in

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the art to reinstate the first configuration after a power loss in the invention of Chang as a matter of design choice.

5. Regarding claims 4, 29 and 34, a first device sends a query for an address of a second device (Figure 4, steps, 503, 509 and NO: TO FIG. 7 and Figure 7, steps 601-603, 605, 607, 613 and 615).

6. Regarding claims 11-13 and 39, Chang does not disclose that a zone is characterized by a type of communication. One skilled in the art would recognize that ELANs may be organized according to different operating protocols. Therefore, it would have been obvious to group into one ELAN physically separated LANs that operate on the same protocol in the invention of Chang as a matter of design choice.

7. Regarding claim 14, Chang does not disclose that devices are identified by a port to which they are coupled. One skilled in the art would recognize that hubs and routers (Figure 3; col. 5, lines 52-64) typically identify connected devices by port. Therefore, it would have been obvious to one skilled in the art to have devices identified by port in the invention of Chang as a matter of design choice in order to route data to the appropriate destination.

8. Regarding claims 15 and 40, the devices are also identified by an address which is independent of its location (col. 6, lines 20-26; note: MAC address).

9. Regarding claims 16-18 and 41, Chang does not disclose using Fibre Channel subnetworks. One skilled in the art would recognize that any appropriate subnetwork may be connected to a backbone network. Therefore, it would have been obvious to one skilled in the art to have Fibre Channel subnetworks, which include medium-related names such as Worldwide Port Names, Worldwide Node Names, and Arbitrated Loop Physical Addresses, in the invention of Chang in order to incorporate existing Fibre Channel networks, as a matter of design choice.

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Allowable Subject Matter

10. Claims 5-6, 10, 21, 24-25, 31, 35-36 and 44-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. "How to Implement an ESS in a SAN" and the "SAN Switch Zoning Reference Guide" each discloses using zoning in a Fibre Channel network. Ross (US 5,394,402), Hart (5,752,003), and Marimuthu (US 5,878,232) each discloses connecting or merging VLANs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays, except Wednesday, from 8:00 AM to 6:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached at 703-305-4366. The fax phone number for Technology Center (TC) 2600 is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office for TC 2600 at 703-306-0377.

Kevin C. Harper



October 4, 2001



HUY D. VU
PRIMARY EXAMINER